



Project title: Resolution establishing City Council Rules of Procedure for the conduct of Council and Repealing Resolution No. 7719.

City Council Agenda Item Cover Sheet

Council Bill # *Interoffice use*

Project: *What is the project?*

Partner/Supplier : *(Partner, etc.)*

Agenda dates requested:

3/23/22, 3/30/22

Location: City wide

..... Preceding .. action: .. Council Retreat 1/28/22.., 3/9/22. .

Briefing 3/23/22

Fund: *Department fund example: 004/Admin*

Proposed action

Consent

Action 3 30 22

Ordinance

Public hearing

Fiscal summary statement:

Yes No

Budget amendment:

Yes No

PowerPoint presentation:

Yes No

Attachments:

Department(s) involved:

Council

Contact person:

B Stonecipher

Phone number:

425 257 8703

Email:

Bstonecipher@everettwa.gov

Project summary statement: On January 28, 2022, Council with Administration held a retreat. Resolution No. 7719 establishing the City Council Rules of Procedure for the conduct of Council was reviewed. After discussion, Legal was asked to draft amended procedures and bring back to council. Legal along with Administration prepared a draft for council action including adding the new collaborative leadership model and Committee format. After much discussion, on March 9 Council was asked to provide input to Deb Williams and the draft would be put on March 23 for briefing and March 30 for action. Deb will put in additional input from Council and forward to President Stonecipher who will work with Legal. By this action, Council will review draft procedures, including new input from Council. March 30, 2022 Council will be asked to adopt Resolution establishing the City Council Rules of Procedure for the conduct of Council and repeal Resolution No. 7719.

Initialed by:

Department head

B.Stonecipher

Administration

Council President

Recommendation: Council Discussion on Resolution establishing City Council Rules of Procedure for the conduct of Council and repealing Resolution No. 7719



WASHINGTON

A RESOLUTION establishing City Council Rules Procedure for the conduct of Council and Repealing Resolution No. 7719

WHEREAS, Section 3.3 of the City Charter provides that "the Council shall determine its own rules and order of business, and may establish rules for the conduct of Council meetings and the maintenance of order"; and

WHEREAS, by the adoption of this Resolution, the City Council intends to establish some basic rules for the conduct of Council, its meetings and maintenance of order;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EVERETT DOES HEREBY RESOLVE:

SECTION 1: MISSION:

As a matter of open government and transparency, The Everett City Council strives to engage the public in a civil and democratic process. As the policy-setting and oversight body for the City, the design of the City's democracy as outlined in the Charter is that the legislative branch sets the policy, and the administrative branch carries it out.

SECTION 2: PURPOSE.

It is the purpose of the City Council of the City of Everett in adopting these rules to provide a method for the conduct of its affairs and to complement the provisions of the City Charter and Council's standing rules. It is not intended that these rules confer upon any person any right to a particular procedure or affect the validity or legality of any Council action. The Council may implicitly or by a majority vote, determine to temporarily waive any of the provisions herein. Any action taken in disregard or non-conformity with these rules shall be construed as an implicit waiver thereof.

SECTION 3: MEETINGS - AGENDA

The place, date and time of the Council meetings shall be in accordance with Section 3.2 of the Charter, Ordinance No. 3170-10 of the City and State law. Pursuant to RCW 35A.12.110 Special meetings may be called by the Mayor, or any three members of the council by written notice delivered to each member of the council at least twenty four hours before the time specified for the proposed meeting. All council meetings shall be open to the public except as permitted by chapter 42.30 RCW. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the

date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or television station

1. Remote City Council meetings. The Council as a whole, by majority vote, may designate one meeting each month to be held remotely and such meeting shall be published and open to the public to allow participate remotely by audio or video system. Accommodations must be made to ensure that the speaker phone, audio or video system is set up at the designated meeting place and that it allows members of the public present at the designated meeting location(s) can hear all discussions, provide testimony if testimony is required by state law or council rule, and generally observe the steps employed by the Council in taking its official action. Additionally, the Council may approve a special meeting of the City Council via remote communication, provided that the remote meeting complies with the accommodations specified above, as well as meeting requirements established in the City Charter and any other legal requirements for that pertain to public meetings.

~~1.- Remote Participation.~~ In limited circumstances the city would benefit by a Council members participation at a meeting held at a physical location by means of remote communication. The Council President may approve a Councilmember's appearance at a Council meeting via remote communication in limited instances, including emergencies that require immediate action or remedy. A majority of council members must be physically present at the location specified in the notice of the meeting. In no event shall the Council President approve a Councilmember's remote attendance unless satisfactory equipment is available, use of City-provided devices are preferred. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice attending clearly and sufficiently enough to be heard by those in attendance at the meeting. The device must allow the Councilmember to pose and answer questions as posed from time to time. During any meeting that a Councilmember is attending via remote communication, the Council President or presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Council members. ~~Remote participation will be allowed in three different sets of circumstances: 1) in "special circumstances," limited in scope to an urgent need to have the member attend remotely; and 2) regular telephone attendance, which would allow unlimited remote attendance, but limited to one member per meeting except that meeting designated as a "Remote" meeting. 3).~~ The Council as a whole, by majority vote, have designated one meeting each month to be held remotely and such meeting shall be published and open to the public to allow participate remotely by audio or video system. Accommodations must be

~~made to ensure that the speaker phone, audio or video system is set up at the designated meeting place and that it allows members of the public present at the designated meeting location(s) can hear all discussions, provide testimony if testimony is required by state law or council rule, and generally observe the steps employed by the Council in taking its official action.~~

~~2.~~

~~2.3.~~ In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications

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~~3.4.~~ The structure of the Council agenda will be determined by the Council President/presiding officer. The President or presiding officer's agenda structure may be overridden by a majority of Councilmembers present at any meeting. The agenda may contain some or all of the following contents: ~~contain basically the following, provided deviation from the following is permitted with approval of the presiding officer~~

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Land Acknowledgement
- E. Approval of Minutes
- F. Mayor's Comments
- G. Public Comments

H. Council's Comments and Liaison Reports

~~H.I. Council Committee Reports/Liaison Reports — Once an item is placed on the agenda, if a Councilmember wishes to make a formal presentation during that item, that Councilmember will coordinate with and bring materials (power point, handouts, etc.) to the Council President / presiding officer or appropriate staff designee at least by the Wednesday preceding the scheduled meeting date.~~

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~~I.J. Administration Update on prior business~~

~~J.K. City Attorney~~

~~K.L. Consent Items: Consisting of one or more of the following items: Approval of vouchers, Adoption of resolutions fixing dates for public hearings, Street closures, Acceptance of gifts and donations, authorization of Community Development Block Grant program agreements with approved agencies, approving and accepting grants, final acceptance of grants, deeds, easements, passage of ordinances which the Council has given directions to place on the agenda, approving final plats, and other such actions. Items requiring no Council discussion, simply a yes/no vote. Any Council Member may have a matter~~

removed from the Consent Agenda for separate consideration upon notice to the Council President / Presiding Officer, either before or during the meeting.

L-M. Proposed Action Agenda: Items appearing on Council's upcoming agenda requiring Council action but not requiring staff presentation.

M-N. Action Items: Items where there may be discussion as well as reports by staff.

N-O. Council Briefing Agenda: Prospective Council agenda items or informational items. Matters of importance that should be publicly discussed at a Council meeting held prior to the meeting where action is to be taken.

O-P. Executive Session.

P-Q. Adjourn.

SECTION 4: REMARKS AND DEBATES

In presiding over the Council Meeting, the Council President may move to end debate on any issue and call for a vote, provided that each member has had at least one opportunity to speak to the issue. If that motion is seconded, no discussion will be allowed until the President's motion is voted upon.

SECTION 5: PUBLIC COMMENT

- A. To facilitate the orderly presentation of public comments, those wishing to speak must complete a speaker sheet and present it to the Council Support Staff for in-person meetings or submit on-line **no later than 30 minutes before the start of the meeting** when using a virtual platform such as zoom to comment. Requests to provide public comment via a virtual platform must be made no less than 30 minutes before the start of the council meeting. Speaker sheets require, at a minimum, the speakers name, city and state of residence and speaker topic. Submitting false information is grounds for a speaker request to be denied.
- B. To ensure equal opportunity for the public to comment, a speaker's comments should be limited to three minutes per person, except in those instances where the person is representing a group or organization, in which a request can be made in advance of the meeting to the Council President to be allocated more than three minutes, in which case the speaker may be allowed five minutes for public comment. Where necessary, due to the number of persons who wish to address the Council, the presiding officer shall retain authority to limit a persons' remarks to an equal period of less than three minutes. To further ensure equal opportunity for the public to comment, each person may address the Council only one time during the Public Comment portion of the meeting.
- C. Public comment on agenda items can be provided either during the designated public comment time or if the comment is directed to an item on the agenda the speaker may elect to wait to present their comments until the agenda item is read. **Speakers shall indicate, on the speaker form, if they wish to speak under public comment or at the time the item is called.**
- D. The purpose of public comment is for the City Council to receive comments.

With consent from the presiding officer, councilmembers may ask questions of the speaker or comment on the speaker's public input. Out of respect for time constraints and schedules, it is recommended that questions and comments by councilmembers be reserved until all speakers conclude their remarks.

- E. Public comment can be taken at any time during the meeting as determined by the Council President or presiding officer.
- F. Written comments submitted prior to Council action shall be considered in the same manner as oral comments.
- G. All remarks will be addressed to the Council as a whole.
- H. All speakers during Public Comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment.
- I. ~~Public Comment during council meetings is restricted to items on the agenda. In addition, a time may be set aside for public input on non-agenda items which are relevant to the business of the city of Everett.~~
- I. Public Comment must be relevant to City ~~Council's~~ services, programs, projects or activities.
 - 1. Speakers may not engage in abusive or harassing behavior including derogatory remarks, profanity or personal attacks, or use of obscene language or gestures, assault or threatening behavior, sexual misconduct or sexual harassment.
 - 2. ~~An allotted individual's comment period may not be used for purposeful delay, including remaining silent or engaging in other activity without conveying a discernible message.~~
- J. Comments which are Out of Order: The Council President/presiding officer or designated City Attorney may rule any public speaker out of order if comments are inappropriate, are not relevant to City Council business or not directed at council as a whole, ~~if comments lack civility or are unreasonably repetitious of previous comments by other speakers.~~
 - i. Meeting disruptions by non-speakers are prohibited. Disruptions include but are not limited to:
 - ii. Outbursts who have not been recognized by the Council President
 - iii. Behavior that intentionally disrupts, disturbs or otherwise impedes attendance or participation at the meeting or the view of other attendees.
 - iv. Failure to follow the direction of the Council President or Security Personnel.
 - v. If an individual is in violation of the public comment rules as referenced in the Council Procedures Resolution three or more consecutive city council meetings, the Council President / presiding officer may exclude the individual from participation in public comment at future meetings. The Council President determines the length of the exclusion based on the seriousness of the disruption or the number of disruptions, The length of an exclusion shall not exceed 180 days. The Council President's decision to exclude an individual from public comment may be overruled by a majority vote of the city council at a city council meeting.
- K. No Use of Public Comment for Campaigns. No person may use public comment for the purpose of assisting a campaign for election of any person to any office or for the

promotion of or opposition to any ballot proposition. "Campaign" shall include, but not be limited to, the direct promotion or opposition of a candidate or ballot measure or the display of any campaign material or such other prohibition promulgated by the Public Disclosure Commission. Any violation of this provision after receiving a warning from the presiding officer shall constitute grounds for immediate suspension of such person's right to speak at that Council meeting.

- L. No Use of Public Comment for Advertising. No person addressing the Council may use Public Comment for the purpose of advertising. Advertising is defined as "promoting by making known, proclaiming publicly, drawing attention to, or making conspicuous any item, product, service, or thing, for profit or otherwise." This does not prevent or preclude any person addressing the Council from expressing his or her views or opinions on matters over which the Council has jurisdiction.

SECTION 6: SIMULTANEOUS BROADCAST AND WEBCAST

All meetings of the City Council should be simultaneously broadcast when resources are available. All audio and visual records of meetings shall be retained in accordance with Local Government Common Records Retention Schedule GS50-05A-13 Rev. 2.

SECTION 7: MISCELLANEOUS

- A. AGENDA. A Council Staff member shall prepare the agenda for each council meeting in collaboration with city Administration and under the direction of the Council President/ presiding officer, ~~or in their absence, a designee.~~ The agenda and council packet materials shall be available to the public, at a minimum in accordance with RCW 42.30.077.
- B. PUBLIC REQUEST FOR PRESENTATIONS. It is the policy of the Council to consider requests for presentations of certain events or causes when such presentations pertain to an Everett event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Everett's population, and either forward positive messages or call upon the support of the community.

~~The following guidelines and requirements apply to requests for consideration of presentations:~~

- ~~1. The person(s) or organization making the request to make a presentation must submit a completed Application to Make a City Council Presentation.~~
- ~~2. The request should be made at least 30 days in advance of the requested Council meeting.~~
- ~~3. City Administration and Council President will review together the application to determine if the proposed presentation meets the intent of this policy. When there is uncertainty in making this determination, the President will consult with the City Council Committee as a whole for its guidance.~~
- ~~4. The presentation will not exceed 5 minutes in length and Council will not entertain more than two presentations at one Council meeting.~~
- ~~5. The Council President retains the right to decide if the presentation will or will not be permitted.~~
- ~~6. Once approved, the presentation will be included on the appropriate Council agenda.~~

~~7. If not approved, the applicant will be notified of the decision and reason(s) for the decision.~~

- C. **COUNCIL CHAMBERS.** The Council Chambers shall be reserved solely for the use of members of the City Council and Mayor for its regular and special meetings as well as committee meetings and other meetings approved by the Council President ~~or Mayor~~. The Chambers shall not be used for any outside group or organization, according to Resolution No 5870. Except as authorized by the Council President, no other person or persons shall have access thereto.

SECTION 8: ELECTIONS OF COUNCIL PRESIDENT/MAYOR PRO TEMPORE ~~PRESIDING OFFICER~~ and COUNCIL VICE PRESIDENT

In accordance with Section 3.2 of the Charter, the Council shall be presided over by the President, selected annually by a majority vote of the Council. In the absence of the President at a meeting, the presiding officer for a meeting shall be a Council member designated by the President; or if no such Council member has been designated, the presiding officer shall be selected by a majority of the members present at such meeting.

Pursuant to Section 2.7 of the Charter, the President of the Council shall also be deemed the Mayor Pro Tempore for the same period of office. The annual election of the Council President / Mayor Pro Tempore will be noted on the Council agenda and will occur on the first regular meeting of the month of January. ~~after any newly elected members have been seated unless otherwise determined by majority vote of the entire Council.~~

Council will elect a Vice President annually, ~~no later than February 1st in the month of February,~~ unless otherwise determined by majority vote of the entire Council.

SECTION 9: PROCEDURE FOR COUNCIL INITIATED LEGISLATION

To promote the orderly development and consideration of proposed legislation and the efficient use of staff time, Council will initiate legislation as follows:

Council members may seek confidential legal advice from the City Attorney to draft an outline of their proposed legislation for consideration at a Council meeting. Following Council discussion, the City Attorney will prepare a draft ordinance or resolution if a request is made by two or more members at a council meeting. Once the legislation has been prepared, the **Council President/presiding officer** will place it on the Council agenda for discussion. Provided, however, the obligations of this section shall be consistent with the Washington Court Rules for Rules of Professional Conduct, State law, the Charter and City Ordinances.

SECTION 10: MOTIONS – VOTING

In presiding over Council meetings, the Council President /presiding officer shall cause the business of the Council to be transacted in accordance with these rules and shall

determine all question of procedure subject to the appeal of the majority, of the Council members present. Council's procedural practice shall not be based on Robert's Rules of Order. As it relates to motions, the following shall apply:

- A. A motion that does not receive a second **dies fails**;
- B. A motion receiving a tie vote **dies fails**;
- C. All motions receiving a second, including a motion to table and to call for the question, are entitled to discussion before taking a vote;
- D. Amendments are voted on first, then the main motion, as amended, if the amendment receives an affirmative vote;
- E. Motion for reconsideration.
 - 1. Except as specified in subsection (3), a motion to reconsider shall be in order only if it is brought forth at or before the next regularly scheduled City Council meeting by a councilmember who voted in favor of the action sought be reconsidered and the motion receives a second. To vote on a motion for reconsideration, the council member must have voted on the original item. To prevail, the motion for reconsideration must receive a majority of votes of those eligible to vote and present at the meeting.
 - 2. When a motion for reconsideration is passed, the underlying matter shall be put on the agenda for the next regularly scheduled meeting or at the first possible regularly scheduled meeting if a delay is necessary.
 - 3. A motion for reconsideration cannot be considered if any of the following events have already occurred:
 - a. The action approved by the Council has already been partially or fully carried out
 - b. A contract authorized by Council has already been executed by the City and is binding
 - c. An ordinance passed by the Council has already become valid (signed by the Mayor and attested by the City Clerk.
- F. For a motion to prevail, it must receive an affirmative vote of a majority of those voting except:
 - 1. In the case of a passage of an ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, it must receive the affirmative vote of at least a majority of the whole membership of the Council (4 vote minimum - Section 3.3 of the Charter);
 - 2. In the case of an emergency ordinance made effective upon becoming valid, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - Section 3.4 of the Charter);
 - 3. In the case of a budget amendment ordinance when there is a proposed decrease within any portion of the total appropriation provided for in any one fund or a re- appropriation of the same fund for another purpose, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - RCW 35.33.121(5)).

SECTION 11: COUNCIL SUBCOMMITTEES

- A. Purpose. In collaboration with City Administration, the City Council may establish

formal or ad hoc subcommittees to provide members of the City Council an opportunity to review and discuss, in detail, issues and topics that are of interest to the City Administration and the City Council. All committees are Ad Hoc with the exception of the Budget and Finance Council Committee. The Ad Hoc Committees serve to share information. Committees do not act on behalf of the Council.

- B.** Council Committees. In the absence of charter or RCW language defining a standing committee, the Mayor or their designee and the City Council President, after mutual agreement, may create standing ad hoc subcommittees. The Council President, in collaboration with the Mayor, will determine any Ad Hoc committees. The and make council member assignments to ad hoc committees. The Chair of the Council Committee will share brief "update" at Council meeting, during Council Committee Reports.

B.C. Reporting. Periodic reports of the work of a Council Subcommittee may be submitted to Councilmembers in writing or, if a Councilmember who chairs a subcommittee wishes to make a formal presentation at a City Council meeting, that Council member will coordinate with and bring materials (power point, handouts, etc.) to the Council President / presiding officer or appropriate staff designee to schedule such presentation at a future meeting. Requests for time on the Council Agenda should be made after discussion and concurrence with the Department Head, directed to the Council President / presiding officer at least two weeks in advance of a council meeting whenever possible. If a briefing is time sensitive, council members may request through the Council President /presiding officer time on the next council agenda, provided there is adequate time to provide public notice of the report on the published Council agenda.

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SECTION 12: COUNCIL RETREATS

- A. Council will discuss and schedule retreats when a request for a retreat is made by a council member or Administration. Council retreats will be scheduled at least 30 days in advance unless agreed to by the Council President and Mayor. Any council member can request a retreat. ~~Retreats will be scheduled when a majority of the council members approve a request and when a retreat agenda has been approved by the majority of council members.~~
- B. All retreats shall be held within the city limits of Everett. The date for any retreat shall be selected by the ~~currently designated Council President.~~ ~~of the City Council~~ The Council President shall seek to select a date so that all Councilmembers or as many as possible may attend, including any Councilmember-elects.
- C. Purpose. A retreat is intended to provide an informal setting to encourage candid and creative discussions, and may include discussions with the Mayor, City Administration and/or Department Heads.
- D. Action to Be Taken at Retreat. The council shall not take final action on any ordinance or resolution at a retreat. The council may take action in the form of making subcommittee assignments, creating any ad hoc subcommittees, adopting

goals for the upcoming year and other action related to how the council will conduct business during the upcoming year.

- ~~E. Participation by Administration and City Staff. The Mayor or the Mayor's designee shall have a standing invitation to attend. Administration may include any staff members determined appropriate to attend. The Council President will coordinate any requests for staff to attend through the City Administration.~~
- F. Public Attendance. All Retreats are open public meetings subject to the Open Public Meetings Act and shall be noted according to the procedures for noting a special meeting. Members of the public may attend but no open public comment period will be provided.
- G. ~~Report. After a retreat, the City Council President shall prepare a report summarizing the issues City Council identifies as significant.~~ Minutes shall also be taken.

SECTION 13: FILLING VACANCIES

Consistent with the Charter, Council will determine, by majority vote, the process to be followed in filling any vacancy. Council will endeavor to reach out to the community to seek interested and qualified persons for purposes of filling any vacancy.

SECTION 14: REVIEW

Council will review this Resolution as it deems appropriate.

SECTION 15: REPEAL

Resolution No. 7719 is hereby repealed.

PASSED AND APPROVED THIS 1st DAY OF MARCH 2022

Council member Introducing Resolution

Council President



EVERETT

WASHINGTON

A RESOLUTION establishing City Council Rules Procedure for the conduct of Council and Repealing Resolution No. 7719

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 - iii. Behavior that intentionally disrupts, disturbs or otherwise impedes attendance or participation at the meeting or the view of other attendees.
 - iv. Failure to follow the direction of the Council President or Security Personnel.
 - v. If an individual is in violation of the public comment rules as referenced in the Council Procedures Resolution three or more consecutive city council meetings, the Council President / presiding officer may exclude the individual from participation in public comment at future meetings. The Council President determines the length of the exclusion based on the seriousness of the disruption or the number of disruptions, The length of an exclusion shall not exceed 180 days. The Council President's decision to exclude an individual from public comment may be overruled by a majority vote of the city council at a city council meeting.
 - H. No Use of Public Comment for Campaigns. No person may use public comment for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. "Campaign" shall include, but not be limited to, the direct promotion or opposition of a candidate or ballot measure or the display of any campaign material or such other prohibition promulgated by the Public Disclosure Commission. Any violation of this provision after receiving a warning from the presiding officer shall constitute grounds for immediate suspension of such person's right to speak at that Council meeting.
 - I. No Use of Public Comment for Advertising. No person addressing the Council may use Public Comment for the purpose of advertising. Advertising is defined as "promoting by making known, proclaiming publicly, drawing attention to, or making conspicuous any item, product, service, or thing, for profit or otherwise." This does not prevent or preclude any person addressing the Council from expressing his or her views or

opinions on matters over which the Council has jurisdiction.

SECTION 6: SIMULTANEOUS BROADCAST AND WEBCAST

All meetings of the City Council should be simultaneously broadcast when resources are available. All audio and visual records of meetings shall be retained in accordance with Local Government Common Records Retention Schedule GS50-05A-13 Rev. 2.

SECTION 7: MISCELLANEOUS

- A. AGENDA. A Council Staff member shall prepare the agenda for each council meeting in collaboration with city Administration and under the direction of the Council President/ presiding officer, ~~or in their absence, a designee.~~ The agenda and council packet materials shall be available to the public, at a minimum in accordance with RCW 42.30.077.
- B. PUBLIC REQUEST FOR PRESENTATIONS. It is the policy of the Council to consider requests for presentations of certain events or causes when such presentations pertain to an Everett event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Everett's population, and either forward positive messages or call upon the support of the community.
- C. COUNCIL CHAMBERS. The Council Chambers shall be reserved solely for the use of members of the City Council and Mayor for its regular and special meetings as well as committee meetings and other meetings approved by the Council President. The Chambers shall not be used for any outside group or organization, according to Resolution No 5870. Except as authorized by the Council President, no other person or persons shall have access thereto.

SECTION 8: ELECTIONS OF COUNCIL PRESIDENT/MAYOR PRO TEMPORE and COUNCIL VICE PRESIDENT

In accordance with Section 3.2 of the Charter, the Council shall be presided over by the President, selected annually by a majority vote of the Council. In the absence of the President at a meeting, the presiding officer for a meeting shall be a Council member designated by the President; or if no such Council member has been designated, the presiding officer shall be selected by a majority of the members present at such meeting.

Pursuant to Section 2.7 of the Charter, the President of the Council shall also be deemed the Mayor Pro Tempore for the same period of office. The annual election of the Council President / Mayor Pro Tempore will be noted on the Council agenda and will occur on the first regular meeting of the month of January.

Council will elect a Vice President annually, in the month of February, unless otherwise determined by majority vote of the entire Council.

SECTION 9: PROCEDURE FOR COUNCIL INITIATED LEGISLATION

To promote the orderly development and consideration of proposed legislation and the efficient use of staff time, Council will initiate legislation as follows:

Council members may seek confidential legal advice from the City Attorney to draft an outline of their proposed legislation for consideration at a Council meeting. Following Council discussion, the City Attorney will prepare a draft ordinance or resolution if a request is made by two or more members at a council meeting. Once the legislation has been prepared, the Council President/presiding officer will place it on the Council agenda for discussion. Provided, however, the obligations of this section shall be consistent with the Washington Court Rules for Rules of Professional Conduct, State law, the Charter and City Ordinances.

SECTION 10: MOTIONS – VOTING

In presiding over Council meetings, the Council President /presiding officer shall cause the business of the Council to be transacted in accordance with these rules and shall determine all question of procedure subject to the appeal of the majority, of the Council members present. Council's procedural practice shall not be based on Robert's Rules of Order. As it relates to motions, the following shall apply:

- A. A motion that does not receive a second fails;
- B. A motion receiving a tie vote fails;
- C. All motions receiving a second, including a motion to table and to call for the question, are entitled to discussion before taking a vote;
- D. Amendments are voted on first, then the main motion, as amended, if the amendment receives an affirmative vote;
- E. Motion for reconsideration.
 - 1. Except as specified in subsection (3), a motion to reconsider shall be in order only if it is brought forth at or before the next regularly scheduled City Council meeting by a councilmember who voted in favor of the action sought be reconsidered and the motion receives a second. To vote on a motion for reconsideration, the council member must have voted on the original item. To prevail, the motion for reconsideration must receive a majority of votes of those eligible to vote and present at the meeting.
 - 2. When a motion for reconsideration is passed, the underlying matter shall be put on the agenda for the next regularly scheduled meeting or at the first possible regularly scheduled meeting if a delay is necessary.
 - 3. A motion for reconsideration cannot be considered if any of the following events have already occurred:
 - a. The action approved by the Council has already been partially or fully carried out

- b. A contract authorized by Council has already been executed by the City and is binding
 - c. An ordinance passed by the Council has already become valid (signed by the Mayor and attested by the City Clerk.
- F. For a motion to prevail, it must receive an affirmative vote of a majority of those voting except:
 - 1. In the case of a passage of an ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, it must receive the affirmative vote of at least a majority of the whole membership of the Council (4 vote minimum - Section 3.3 of the Charter);
 - 2. In the case of an emergency ordinance made effective upon becoming valid, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - Section 3.4 of the Charter);
 - 3. In the case of a budget amendment ordinance when there is a proposed decrease within any portion of the total appropriation provided for in any one fund or a re- appropriation of the same fund for another purpose, it must receive the affirmative vote of at least a majority plus one of the whole Council (5 vote minimum - RCW 35.33.121(5)).

SECTION 11: COUNCIL SUBCOMMITTEES

- A. Purpose. In collaboration with City Administration, the City Council may establish formal or ad hoc subcommittees to provide members of the City Council an opportunity to review and discuss, in detail, issues and topics that are of interest to the City Administration and the City Council. All committees are Ad Hoc with the exception of the Budget and Finance Council Committee. The Ad Hoc Committees serve to share information. Committees do not act on behalf of the Council.
- B. Council Committees. In the absence of charter or RCW language defining a standing committee, the Mayor or their designee and the City Council President, after mutual agreement, may create standing ad hoc subcommittees. The Council President, in collaboration with the Mayor, will determine any Ad Hoc committees. The and make council member assignments to ad hoc committees. The Chair of the Council Committee will share brief "update" at Council meeting, during Council Committee Reports.
- C. Reporting. Periodic reports of the work of a Council Subcommittee may be submitted to Councilmembers in writing or, if a Councilmember who chairs a subcommittee wishes to make a presentation at a City Council meeting, that Council member will coordinate with the Council President / presiding officer to schedule such presentation at a future meeting. Requests for time on the Council Agenda should be made after discussion and concurrence with the Department Head, directed to the Council President / presiding officer at least two weeks in advance of a council meeting whenever possible. If a briefing is time sensitive, council members may request through the Council President /presiding officer time on the next council

agenda, provided there is adequate time to provide public notice of the report on the published Council agenda.

SECTION 12: COUNCIL RETREATS

- A. Council will discuss and schedule retreats when a request for a retreat is made by a council member or Administration. Council retreats will be scheduled at least 30 days in advance unless agreed to by the Council President and Mayor. Any council member can request a retreat.
- B. All retreats shall be held within the city limits of Everett. The date for any retreat shall be selected by the Council President. The Council President shall seek to select a date so that all Councilmembers or as many as possible may attend, including any Councilmember-elects.
- C. Purpose. A retreat is intended to provide an informal setting to encourage candid and creative discussions, and may include discussions with the Mayor, City Administration and/or Department Heads.
- D. Action to Be Taken at Retreat. The council shall not take final action on any ordinance or resolution at a retreat. The council may take action in the form of making subcommittee assignments, creating any ad hoc subcommittees, adopting goals for the upcoming year and other action related to how the council will conduct business during the upcoming year.
- E. Public Attendance. All Retreats are open public meetings subject to the Open Public Meetings Act and shall be noted according to the procedures for noting a special meeting. Members of the public may attend but no open public comment period will be provided.
- F. Minutes shall be taken.

SECTION 13: FILLING VACANCIES

Consistent with the Charter, Council will determine, by majority vote, the process to be followed in filling any vacancy. Council will endeavor to reach out to the community to seek interested and qualified persons for purposes of filling any vacancy.

SECTION 14: REVIEW

Council will review this Resolution as it deems appropriate.

SECTION 15: REPEAL

Resolution No. 7719 is hereby repealed.

PASSED AND APPROVED THIS ____ DAY OF MARCH 2022

Council member Introducing Resolution

Council President

